AZD 013 660 [illegible]
Part C 2E-1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via U.S. Postal Service and Electronic Mail

September 15, 2011

Douglas Tymins
Executive Vice President
AIG Retirement Services
2800 N. Central Ave. Suite 2100
Phoenix, Arizona 85004

Re: Polychlorinated Biphenyls (PCBs), Toxic Substances Control Act - Western Technologies Inc. February 17, 2011 Cap Construction Completion Report for Trench Area and Draft Deed Notice - Washington Park Corporate Center Lot 3, Trillium Residential 4400 Block East Washington St. Phoenix, Arizona – Self Implementing PCB Cleanup Under 40 CFR 761.61(a)

Dear Mr. Tymins:

The U.S. Environmental Protection Agency Region 9 (USEPA) has reviewed Western Technologies, Inc.'s (WTI's) February 17, 2011 letter transmitting the construction completion report for the earthen cap constructed to cover soil contaminated with polychlorinated biphenyls (PCBs) and that remain in the Trench Area[1]. A Draft Deed Notice (DDN) for the property was also submitted. The DDN refers to the Trench Area as the Excavation Sensitive Area (ESA). Section F (Engineering Control) of the DDN describes the maintenance and repair plan for the cap covering the ESA. Washington Park Corporate Center Lot 3 will be redeveloped.

This letter memorializes our request for a revised draft DDN. In addition, this letter modifies Condition d in USEPA's July 2, 2010 letter conditionally approving the temporary earthen cap for the Trench Area (i.e., ESA) under the self implementing and risk-based PCB cleanup requirements in 40 CFR 761.61(a) and (c), respectively, of the Toxic Substances Control Act (TSCA) regulations.

On September 13, 2011, we discussed detailed comments on the technical (not legal) elements of the DDN with WTI and informally requested a revised DDN. Section F of the DDN anticipates the earthen cap will be disturbed in landscape areas that may be designated in the future if the earthen cap or a portion thereof is located within those areas. The third paragraph in Condition d. in USEPA's July 2, 2010 letter states that:

[1] PCBs remain in soils at 19 feet below ground surface within the Trench Area in sampling grids T6-15, T7-15, and T8-15 at 1.2, 4.1, and 6.8 mg/Kg, respectively. PCBs remain within the Trench Area at 2.9 mg/Kg (B-11, 25 feet below existing surface grade [ft. begs]) and 1.6 mg/Kg (B-11, 31 to 31.5 ft begs]). PCBs remain in soils in an area outside of and west of the Trench Area at 1.4 mg/Kg (B-14, 26 to 26.5 ft begs), and 1.3 mg/Kg (B-15, 36 to 36.5 ft begs). The Trench Area also covers this area.

> ". . . . In context to the future redevelopment, if a portion of the temporary earthen cap is used as a landscape area (e.g., interior garden), that portion of the earthen cap (including membrane and top compacted soil protective layer) will not be disturbed and will become the final earthen cap. See Condition 7 in USEPA's September 22, 2008 conditional approval letter."

USEPA is modifying the above quoted third paragraph in Condition d to allow disturbance of the earthen cap in landscape areas provided the conditions established below are met.

1. Planting in landscape areas of the future redevelopment may necessitate that portions of the earthen cap be disturbed to facilitate placement of soils suitable for planting atop the earthen cap. Disturbed soils in the earthen cap will be re-compacted before a planting soil layer is added atop the landscape area.

2. A minimum of 24 inches of earthen cap material (that is below ground surface and above the soil backfill covering the PCB contaminated soils) must not be disturbed and such cap thickness must be maintained all the time.

We look forward to continue working with WTI on the Washington Corporate Center project. Please call Carmen Santos of my staff at 415.972.3360 with any questions regarding this letter. Thank you.

Sincerely,

Arlene Kabei
Associate Director
Waste Management Division

Cc: David Regonini, Western Technologies, Inc.
Humberto Preciado, Western Technologies, Inc.
Ivan Lieben, USEPA R9
Steve Armann, USEPA R9
Carmen Santos, USEPA R9